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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/992,387

11/16/2001

Anthony L. Coyle

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EXAMINER

LEWIS, MONICA

ART UNIT

PAPER NUMBER

2894

NOTIFICATION DATE

DELIVERY MODE

06/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ANTHONY L. COYLE and MILTON L. BUSCHBOM

Application No. 09/992,387
Technology Center: 2800

Mailed: June 9, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 1, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

PRIOR RETURN ORDER

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on May 26, 2009 wherein the Examiner was instructed that corrections to the appeal were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention are identified below.

On August 3, 2007, an Examiner’s Answer was mailed, On page 2, under the heading “Summary of Claimed Subject Matter” the examiner stated that “The Summary of claimed subject matter contained in the brief is deficient” However, there is no indication that the Appellants responded to the Examiner’s Answer.

Correction is required. MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to appellant’s failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office’s requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) notify applicants to file a paper providing a summary of the claimed subject matter as required by 37 CFR § 41.37(c)(1)(v);

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2) consider the paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v); and

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/GJH/

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